

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY EDWARDS,

Defendant.

No. 14-cr-30173-DRH-3

MEMORANDUM & ORDER

HERNDON, District Judge:

Now before the Court is the government's first motion *in limine* for pretrial determination of admissibility of certain evidence in this case (Doc. 105). Specifically, the government requests that the Court issue a pretrial ruling on admissibility of information obtained by Pretrial Services related to Defendant Timothy Edwards' past drug use for impeachment purposes at trial. The government further requests that this Court direct Pretrial Services to release statements, admissions, and reports related to the defendant's pretrial drug test in advance of trial. It appears Edwards does not object to the government's request, as no response to the motion was filed. Therefore, the motion shall be granted.

The government highlights § 3153(c)(3), which provides that confidential information obtained by Pretrial Services:

is not admissible on the issue of guilt in a criminal judicial proceeding unless such proceeding is a prosecution for a crime committed in the course of obtaining pretrial release or a prosecution for failure to appear for the criminal judicial proceeding with respect to which pretrial services were provided.

However, a number of circuits have recognized that the inadmissibility of statements made to Pretrial Services as to the issue of guilt does not restrict the government from using those statements for impeachment purposes. See e.g., *United States v. Balogun*, 463 F. App'x 476, 483 (6th Cir. 2012); *United States v. De La Torre*, 599 F.3d 1198, 1205 (10th Cir.) cert. denied, 131 S.Ct. 227 (2010); *United States v. Griffith*, 385 F.3d 124, 126 (2d Cir. 2004); *United States v. Stevens*, 935 F.2d 1380, 1397 (3d Cir. 1991); *United States v. Wilson*, 930 F.2d 616, 619 (8th Cir. 1991); *United States v. Hall*, 948 F.2d 782 (D.C. Cir. 1991).

Accordingly, the government's first motion *in limine* is **GRANTED**. Pretrial Services is **DIRECTED** to release statements, admissions, and/or reports related to the defendant's pretrial drug test to the government. Finally, the Clerk is **DIRECTED** to send a copy of this order to the Pretrial Services Office for this district.

IT IS SO ORDERED.

Signed this 21st day of June, 2016.


Digitally signed by
Judge David R.
Herndon
Date: 2016.06.21
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United States District Judge